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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Durban, 31 August - 7 September 2001
Item 4 of the provisional agenda

ADOPTION OF THE RULES OF PROCEDURE

Note by the secretariat

The present document contains the provisional rules of procedure of the World Conference adopted by the Preparatory Committee at its first session.

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Provisional rules of procedure of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

CONTENTS

		Page
I.	REPRESENTATION AND CREDENTIALS	3
II.	OFFICERS	4
III.	GENERAL COMMITTEE	4
IV.	SECRETARIAT OF THE CONFERENCE	5
V.	OPENING OF THE CONFERENCE	6
VI.	CONCLUSIONS OF THE CONFERENCE	7
VII.	CONDUCT OF BUSINESS	7
VIII.	DECISION-MAKING	10
IX.	SUBSIDIARY BODIES	13
X.	LANGUAGES AND RECORDS	15
XI.	PUBLIC AND PRIVATE MEETINGS	16
XII.	OTHER PARTICIPANTS AND OBSERVERS	16
XIII.	AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE	18

I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference and observer delegations, including the European Community,* shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

Credentials committee

Rule 4

A credentials committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its fifty-fifth session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation

Rule 5

Pending a decision of the Conference upon their credentials, representatives of States shall be entitled to participate provisionally in the Conference.

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* The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance invites the European Community, within its areas of competence, to participate in its deliberations on any matter of particular concern to the European Community. The European Community shall not have the right to vote, but may submit proposals which may be put to the vote at the request of any State.

II. OFFICERS

Elections

Rule 6

The Conference shall elect from among the representatives of participating States the following officers: a President, 21 Vice-Presidents, a Rapporteur-General, and the Chairpersons of the Main Committee and the Drafting Committee established in accordance with rule 47. These officials shall be elected on the basis of ensuring equal geographic distribution and the representative character of the General Committee composed in accordance with rule 10. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

Acting President

Rule 7

1. If the President finds it necessary to be absent from a meeting or any part thereof, he/she shall designate a Vice-President to take his/her place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 8

If the President is unable to perform his/her functions, a new President shall be elected.

Voting rights of the President

Rule 9

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his/her delegation to vote in his/her place.

III. GENERAL COMMITTEE

Composition

Rule 10

The President, the Vice-Presidents, the Rapporteur-General of the Conference and the Chairpersons of the Main Committee and the Drafting Committee shall constitute the General Committee. The President of the Conference, or in his/her absence, one of the Vice-Presidents

designated by him/her, shall serve as Chairperson of the General Committee. The Chairperson of the Credentials Committee may participate, without the right to vote, in the General Committee.

Substitute members

Rule 11

If the President or a Vice-President of the Conference is to be absent during a meeting of the General Committee, he/she may designate a member of his/her delegation to sit and vote in the Committee. In the case of absence, the Chairperson of a Main Committee shall designate a Vice-Chairperson of that Committee as his/her substitute. When serving on the General Committee, a Vice-Chairperson of a Main Committee shall not have the right to vote if he/she is of the same delegation as another member of the General Committee.

Functions

Rule 12

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General

Rule 13

1. The Secretary-General of the United Nations, or in his absence, the Secretary-General of the Conference shall act in that capacity in all meetings of the Conference and its subsidiary bodies. The Secretary-General of the United Nations or the Secretary-General of the Conference may designate a member of the secretariat to act in his/her place at those meetings.

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the secretariat

Rule 14

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Make and arrange for the keeping of sound recordings of meetings;

(c) Receive, translate and circulate the documents of the Conference;

(d) Report the proceedings of the Conference in appropriate journals;

(e) Publish and circulate the report and any official records of the Conference;

(f) Arrange for the custody of the documents and records of the Conference in the archives of the United Nations;

(g) Generally perform all other work that the Conference may require in connection with its proceedings.

Statements by the secretariat

Rule 15

The Secretary-General of the United Nations, the Secretary-General of the Conference or any member of the secretariat designated by either for that purpose may, subject to rule 22, make statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Temporary President

Rule 16

At the opening of the first meeting of the Conference, the Secretary-General of the United Nations, or in his absence, the Secretary-General of the Conference shall preside until the Conference has elected its President.

Decisions concerning organization

Rule 17

The Conference shall, to the extent possible, at its first meeting:

(a) Adopt its rules of procedure;

(b) Elect its officers and constitute its subsidiary bodies;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONCLUSIONS OF THE CONFERENCE

Report

Rule 18

The Conference shall adopt a report, the draft of which shall be prepared by the Rapporteur-General.

VII. CONDUCT OF BUSINESS

Quorum

Rule 19

The President may declare a meeting open and permit the debate to proceed when at least one third of the representatives of States participating in the Conference are present. The presence of representatives of a majority of such States shall be required for any decision to be taken.

General powers of the President

Rule 20

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall preside at the plenary meetings of the Conference; he/she shall declare the opening and closing of each meeting, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order. The President, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closing of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each participant in the Conference may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his/her functions, remains under the authority of the Conference.

Points of order

Rule 21

During the discussion of any matter, a representative of a State may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be

immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 22

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 21, 23 and 25 to 28, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to speakers and the number of times participants may speak on a question. Permission to speak on a motion to set such limits shall be accorded to only two representatives in favour of and two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him/her to order without delay.

Precedence

Rule 23

The Chairperson or Rapporteur of a Main Committee or a representative designated by any other subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of the list of speakers

Rule 24

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the President shall, with the consent of the Conference, declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 27.

Right of reply

Rule 25

Notwithstanding rule 24, the President shall accord the right of reply to a representative of any State participating in the Conference who requests it. Any other representative may be granted the opportunity to make a reply. Representatives should attempt, in making such

statements, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which the request is made. The representatives of a State may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 26

A representative of any State participating in the Conference may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded to only two representatives in favour of and two opposing the adjournment, after which the motion shall, subject to rule 29, be immediately put to the vote.

Closure of debate

Rule 27

A representative of any State participating in the Conference may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his/her wish to speak. In addition to the proposer of the motion, permission to speak on the motion shall be accorded to only two representatives opposing the closure, after which the motion shall, subject to rule 29, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 28

Subject to rule 40, a representative of any State participating in the Conference may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 29, be immediately put to the vote.

Order of motions

Rule 29

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submissions of proposals and substantive amendments

Rule 30

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 31

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 32

Any motion calling for a decision on the competence of the Conference to discuss any matter or adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

Reconsideration of proposals

Rule 33

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded to only two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VIII. DECISION-MAKING

General agreement

Rule 34

The Conference shall exert all possible efforts to ensure that its work and the adoption of its report are accomplished by general agreement.

Voting rights

Rule 35

Each State participating in the Conference shall have one vote.

Majority required

Rule 36

1. Subject to rule 34, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Unless the Conference decides otherwise and except as otherwise provided, decisions of the Conference on all matters of procedure shall be taken by a simple majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 37

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 38

1. Except as provided in rule 45, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls and its representative shall reply "yes", "no" or "abstention".

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the Conference.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any record of or report on the Conference.

Explanation of vote

Rule 39

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Conduct during voting

Rule 40

After the President has announced the commencement of voting, no representative shall interrupt the voting except on a point of order in connection with the process of voting.

Division of proposals

Rule 41

A representative may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Amendments

Rule 42

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 43

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote.

Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 44

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a vote is taken on the proposal in question.

Elections

Rule 45

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 46

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the largest number of votes in the previous ballot, in a number not exceeding twice the number of places remaining to be filled.

IX. SUBSIDIARY BODIES

Main Committee and Drafting Committee

Rule 47

The Conference shall establish one Main Committee and a Drafting Committee, which may set up subcommittees or working groups. Each Committee, unless it decides otherwise, shall elect three Vice-Chairpersons and a Rapporteur.

Representation on the Main Committee and the Drafting Committee

Rule 48

Each State participating may be represented by one representative on each Committee established by the Conference. It may assign to these Committees such alternate representatives and advisers as may be required.

Other committees and working groups

Rule 49

1. In addition to the Committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Each committee may set up subcommittees and working groups.

Quorum

Rule 50

1. The Chairperson of a Committee may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The presence of representatives of a majority of the States participating in the Conference shall be required for any decision to be taken.

2. A majority of the representatives of the General or Credentials Committee or of any committee, subcommittee or working group shall constitute a quorum.

Officers, conduct of business and voting

Rule 51

These rules of procedure shall apply, mutatis mutandis, to the proceedings of Committees, subcommittees and working groups, except that:

(a) Unless otherwise decided, each committee, subcommittee and working group shall elect its own officers;

(b) The Chairpersons of the General and Credentials Committees, and the chairpersons of the committees, subcommittees and working groups established in accordance with rule 49, may exercise the right to vote;

(c) Decisions of the Committees, other committees, subcommittees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 33.

X. LANGUAGES AND RECORDS

Languages of the Conference

Rule 52

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 53

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if he/she provides for interpretation into one such language.

Languages of documents, resolutions and other formal decisions

Rule 54

All official documents, resolutions and other formal decisions of the Conference shall be published in the languages of the Conference.

Languages of reports

Rule 55

Any reports submitted by the General Committee, the Credentials Committee, or the Committees established in accordance with rule 47, as well as the report of the Conference referred to in rule 18, shall be published in the languages of the Conference.

Records of meetings

Rule 56

1. There shall be neither verbatim nor summary records of meetings.

2. Sound recordings of meetings of the Conference and of the Committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Conference or the Committees, no such recordings shall be made of the meetings of any working group thereof.

XI. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 57

1. The plenary meetings of the Conference and the meetings of the Committees shall be held in public unless the body concerned decides otherwise. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

2. As a general rule, meetings of other bodies of the Conference shall be held in private.

Communiqués on private meetings

Rule 58

At the close of a private meeting, the body concerned may issue a communiqué through the Secretary-General of the Conference.

XII. OTHER PARTICIPANTS AND OBSERVERS

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observer in the sessions and work of all international conferences convened under the auspices of the General Assembly

Rule 59

Representatives designated by organizations, intergovernmental organizations and other entities that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly have the right to participate as observers, without the right to vote, in the deliberations of the Conference, its Committees and any other committee or working group.

Associate members of regional commissions

Rule 60

Representatives designated by associate members of regional commissions may participate as observers, without the right to vote, in the deliberations of the Conference, the Committees and any other committee or working group.

Representatives of the specialized agencies

Rule 61

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference, its Committees and any other committee or working group on questions within the scope of their activities.

Representatives of other intergovernmental organizations and other entities

Rule 62

Representatives designated by other intergovernmental organizations and other entities invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, the Committees and any working group on questions within the scope of their activities.

Representatives of interested United Nations organs, bodies, programmes and relevant mechanisms, including human rights bodies and mechanisms

Rule 63

Representatives designated by interested organs, bodies, programmes and relevant mechanisms of the United Nations, including human rights bodies and mechanisms, in particular the special rapporteurs who have contributed to the preparatory process, may participate as observers, without the right to vote, in the deliberations of the Conference, its Committees and any other committee or working group on questions within the scope of their activities. The chairperson of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies and mechanisms, and of bodies established under international human rights instruments, as well as special and thematic rapporteurs or representatives and the chairpersons or designated members of working groups, may participate as observers in the deliberations of the Conference, any Committee and any committee or working group on questions within the scope of their activities.

Representatives of the Committee on the Elimination of Racial Discrimination

Rule 64

Members of the Committee on the Elimination of Racial Discrimination may participate as observers in the deliberations of the Conference, its Committees and any other committee or working group on questions within the scope of its activities.

Representatives of national human rights institutions

Rule 65

1. Representatives designated by national institutions for the protection and promotion of human rights may participate as observers in the deliberations of the Conference, any Committee and any other committee or working group on questions within the scope of their activities.

2. In the situation where a country does not have a national institution for the promotion and protection of human rights, representatives designated by ombudspersons or by specialized independent national bodies for the promotion and protection of racial equality may participate as observers in the deliberations of the Conference, any Committee and any other committee or working group on questions within the scope of their activities.

Representatives of non-governmental organizations

Rule 66

1. Non-governmental organizations accredited to participate in the Conference may designate representatives to participate as observers in the Conference, any Committee and any committee or working group on questions within the scope of their activities.

2. Upon the invitation of the presiding officer of the body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence. If the number of requests to speak is too large, the non-governmental organizations shall be requested to form themselves into constituencies, such constituencies to speak through spokespersons.

Written statements

Rule 67

Written statements submitted by the designated representatives referred to in rules 59 to 65 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements are made available to it at the site of the Conference, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which it has a special competence.

XIII. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 68

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

Method of suspension

Rule 69

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.